

December 14<sup>th</sup>, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, December 14<sup>th</sup>, 2006 with the following members present: Albert Janik, Supervisor: Carol Osborne, Daniel Penrick, Peter Coseo and Thomas Kinsella, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, 2 reporters and approximately 45 residents.

At 7:10 PM a Public Hearing opened regarding the possible abandonment of a portion of Barney Road, being the dirt portion of the road to the Town of Providence line. Clerk presented proof of legal publication. Ken Wolfe, Young Road – Mr. Wolfe stated that recently he applied for a minor subdivision that was denied. He has lived in that area for 30 years and two of his daughters would like to build homes there. He wanted to know what the Town Code was on Town roads. In addition, he asked for a copy of the letter from DEC denying the Town permits. Supervisor Janik stated that he would have a copy of the requested information available tomorrow and asked Mr. Wolfe to stop back at that time. Anthony Dibenedetto stated that he recently purchased property at 140 Barney Road and questioned whether this would destroy the future development of the area. Supervisor Janik explained that if the Town were to abandon the road, the people who owned property along that stretch of the road would effectively have no frontage for the purpose of developing their property. Mr. Dibenedetto asked how he would access his property. Supervisor Janik stated that he would continue to have access over the right-of-way in union with all other parties that use it. Sal Dibenedetto, owner of property at 130 & 135 Barney Road asked who would maintain the abandoned portion of the road. Supervisor Janik stated that the property owners would have to take care of it. He added that the Town does not have a deeded right-of-way for this road. This was a road by use that we maintained. If the Town abandons that road they would no longer maintain it and it would revert back to whoever the titled owner to the property is. Jay Ellsworth, Barney Road – Mr. Ellsworth stated that at the end of his property is where the road would end. His neighbors property would be the start of the abandonment. He felt that his neighbor would have a liability issue. The road washes out every year and creates a huge hole which in the past the Town has repaired. As a property owner, he now would be taking on the liability of allowing anyone to go up the road. Mr. Ellsworth added that if it were himself, in order to protect his assets from liability he would have to put a gate up. The property owners would have to get together to maintain the road and each have a key to the gate. If a gate is installed there would be no place for the school bus or plow truck to turn around. In the past, they have both turned around in his neighbors driveway. Mr. Ellsworth stated that he was not opposed to closing the road and understood the reason why the Town was looking to do this. He understood that there was a cost issue and that the State had turned the Town down a couple of times. There is a large drop off on the south side of the road and there was no question that it would cost a ton of money to widen the road. Bill Bokus, Barney Road – Mr. Bokus asked who's idea it was to abandon the road and how did it come about. He questioned why the Town would want to abandon a road that they have been taking care of for years. Supervisor Janik stated that there was a lengthy discussion about this at the last meeting. The Town considered improving the road which required a permit from DEC. They

December 14<sup>th</sup>, 2006 continued

turned the Town down. The road is a seasonal road and is single lane for almost the entire length. The Board felt that the most appropriate course of action would be to abandon the road. Mr. Bokus stated that there are a lot of places on the road where you can pass another vehicle, especially on the upper end where it is almost 2 lanes wide. He stated that if the State would not allow the Town to widen anything on the north side, he was sure that the landowners on the south side would give the Town enough right-of-way to move the road over. He did not feel that it would be expensive to widen the road if you did a cut and fill with an excavator. Mr. Bokus added that the Town would be taking away the rights of the property owners to develop their own property. He stated that the Town had money to spend on a new park but could not help several taxpayers in the Town who are looking to improve the road in front of their house. Mr. Bokus stated that he was vehemently opposed to the Town proposal to abandon this section of road that the Town has been maintaining for years. The Planning Board is not in favor of private roads and the Town Board is turning around and creating a private road. Mr. Bokus stated that the highway department would be working everyday anyway and it would not cost them anymore money to work up there for 2 weeks. He did not feel that the Town could abandon a road that people own property and pay taxes on. Mr. Ellsworth stated that he built his home 15 years ago. At that time he was told that he would never get power. He had to make three submissions to the State in order to get permission to cut timber on State property in order to be able to get power to his house. He suggested that the Town try to contact a few more people at the State to see if they could get permission. There being further public comments, the hearing was closed at 7:25 PM.

At 7:25 PM Opening of Bids was held for #2 Fuel Oil. Clerk presented proof of legal publication. The following bid was received:

<u>#2 Fuel Oil</u>	<u>Brand</u>	<u>Price</u>	<u>Albany Tank Car</u>	<u>Differential</u>
C. S. Pita	Hess	1.9132	1.7183	.1949

At 7:26 PM a Public Hearing opened regarding Proposed Local Law # 8-2006 Amending Chapter of the Town Code – Snowmobiles. Clerk presented proof of legal publication. Jerry Fuelner, Mulleyville Snowmobile Club – Mr. Fuelner stated that at the last meeting there was a discussion regarding possibly keeping a few roads open for snowmobiles, Ormsbee Road Extension and Fox Hill Road. He asked if that was still being considered. Supervisor Janik stated that the proposed local law would eliminate all the roads presently listed in the Code with the exception of the Town portion of Lake Desolation Road and Ormsbee Road from its intersection with Ballou Road northerly to its dead end. Sue Miller, Plank Road – She stated that she was unaware that Plank Road was no longer going to be posted for snowmobiles. She stated that it is the gateway to a very established set of trails which connect to many other Towns. Plank Road is one way to access them if you are not a member of one of the clubs that would access the trail system off of Ormsbee Road. She stated that she would be against closing Plank Road. There being no further public comments, the hearing was closed at 7:28 PM.

At 7:29 PM a Public Hearing opened regarding the possible abandonment of a section of Woodland Road. Clerk presented proof of legal publication. Laura Wells, Saratoga Plan - She stated that they recently acquired the property from the Nature

December 14<sup>th</sup>, 2006 continued

Conservancy which abuts the section of road proposed to be abandoned. They believe that if the road were to be abandoned, it would cut off the public access to the nature preserve. Ms. Wells supplied the Board with a map and information regarding their property. She explained that the frontage along Route 9N is all swamp. The best access to the property is off the little piece of land that abuts Woodland Road. She stated that the Nature Conservancy acquired the property in the 1960's and historically the property has been accessed for hiking, recreation and nature study from off of Woodland Road. Ms. Wells stated that it was their intention to do a more formalized management plan for the property which would include a trail network, install a sign and small gravel parking area for 1 to 3 cars. This would make the property more attractive for the residents to come and use. Ms. Wells added that they held a clean up day this past year where they got together with the Nature Conservancy and pulled out a lot of stuff that had been previously dumped on the property. Woodland Road was used to remove the stuff from the property. (Pemrick, C. arrived at this time) She stated that she understood that one of the neighbors actually uses this section of Woodland Road as their driveway. They would like to work cooperatively with the Town and the neighbors so that they can still access the property from that location. Alan Burton stated that he owned the property bordering Woodland Road and he was in favor of the road being abandoned. He explained that his neighbors have lived on that section of the road for at least 30 years. During that time Mr. Burton has maintained that road, not the Town. Mr. Ashline stated that no one has ever come down that road or used it. Mr. Burton stated that the clean up was down off of Route 9N, next to the old Mobil station and not off of Woodland Road. Greg Chaplin stated that it is a very small neighborhood and there is already a large amount of traffic. They would like to see signs put up stating that there is "No Thru Traffic" to try and cut down on the number of people cutting down the road, trying to beat the light. Bill Miller stated that he lives right across the street. He understood that there was a parking area just south of the old Mobil station that belonged to the Nature Conservancy. He suggested that they could construct plank walkways to get over the little bit of water that might be there. Julia Stokes, Chairman of the Saratoga Plan, stated that they were very concerned about the abandonment of the road. When the Nature Conservancy had not been taking care of the property and Saratoga Plan decided to take it over, they did so after speaking with the Town of Greenfield because they felt that it would be important that this property be accessible to the people in the Town of Greenfield. She added that when the clean up was done, she made arrangements with a private property owner to place the dumpsters on his property. This was not something that they might be able to do in the future. It is very important that if they do not have adjacent property owners that are willing to allow them to use their property, that they still have access off of Woodland Road. She understood the concerns of the other neighbors, however they are also a neighbor that could use this road for access. They would like to develop the property in conjunction with that neighborhood to be a greater resource for them. She stated that they are opposed to the abandonment. There being no further comments, the hearing was closed at 7:40 PM

The regular meeting was called to order by the Supervisor at 7:40 PM and opened with the pledge to the flag. On motion of Osborne, C. and seconded by Kinsella,

December 14<sup>th</sup>, 2006 continued

C., the minutes of 11/9/06 and 11/29/06 were approved as submitted by all members present.

Letter from Saratoga County Youth Bureau looking for a representative of the Town to be appointed to the bureau. Supervisor Janik stated that in the past Karyn Zanetti has been our representative and she has agreed to continue in that capacity.

Letter from the Saratoga County Environmental Management Council stating that there was a vacancy and asking if there was anyone interested in serving. Supervisor Janik to forward to Environmental Commission.

Parks & Recreation/Open Space Fees received from SAS Holdings in the amount of \$2,200.

Check from Finch, Pruyne & Company, Inc. in the amount of \$1,431.60 for 2006 severance tax payment.

Intermunicipal notification from the City of Saratoga Springs advising the Town of the proposed installation of a new telecommunications facility on Washington Street.

Insurance Presentation – Supervisor Janik stated that the Town had gone out for proposals for insurance. They have received one from Adirondack Trust Insurance and one from Cool Insurance. Supervisor Janik noted that in his review of the two proposals there were some differences in the coverage. He had asked that Cool Insurance mirror the present coverage and in reviewing their proposal he noted that there were a few items that were not the same. One being replacement cost coverage on equipment. There was a difference in cost between the two proposals of approximately \$4,000. In order to compare the two equally he wanted to make sure that the coverage mirrored each other. Dave Meager, Adirondack Trust Insurance, stated that they have written insurance for the Town for the last 20 years. He stated that in terms of this year's proposal, he mirrored the current coverage which provided replacement cost on the vehicles. They also provided a \$2,500 deductible on the public officials policy. Mr. Meager noted that it is hard to compare insurance. Policies are not identical and other factors have to be taken into account, such as experience, handling of claims, etc. He stated that at first it appeared that his price was \$4,000 higher than the other proposal. He put together a summary which shows that if you make the proposals the same, his price would drop by \$4,200 and would actually be a little less than the other proposal. Mr. Meager stated that the big thing was the replacement cost on the equipment. He basically writes the policy as new for old. The vehicles must be 10 years old or newer. He stated that the Board needed to evaluate what that coverage was worth and whether or not they wanted it. Adirondack Insurance also provides building upgrade coverage which is 5 times the coverage provided by the other company. Mr. Meager stated that the important comparison is that when you make the proposal the same, his price was actually a little less. He added that he was also a direct agent of Selective Insurance and that a claims representative lives in the area. Selective is the largest writer of municipal insurance in New York State and most of the surrounding municipalities have them. The other firm works through another broker and the insurance firm is from San Antonio, Texas. The claims are also handled there. Mr. Meager provided the Board with a list of reasons to renew with Adirondack Trust Insurance. Coseo, C. as for a clarification

December 14<sup>th</sup>, 2006 continued

regarding the replacement cost coverage. If you had a bulldozer you paid \$100,000. for ten years ago and today it costs \$150,000 how much would you get in coverage, the \$150,000 or \$100,000. Mr. Meager stated that the coverage would be limited to the amount on the policy. He suggested that he should sit down with the Highway Supt. and make sure that the limit on the policy is reflective of the replacement cost today. Coseo, C. asked if by increasing the limit on the policy it would increase the premium. Mr. Meager stated that it may make a difference, however he hoped that the values were already pretty close. They have tried to upgrade them almost every year. Coseo, C. stated that he would like to see the upgraded schedule and what it was going to cost the Town as far as premiums were concerned. Osborne, C. stated that for the past two years they have looked very close at all the equipment values, especially after the fire at the Town of Wilton.

Barney Road Abandonment – Supervisor Janik stated that there was quite a bit of input from the public during the hearing and there were a number of questions that still needed to be answered. Kinsella, C. wanted to take a drive down the road and see what people were talking about before he made any decision regarding this matter. Coseo, C. stated that initially he was leaning toward the closing of the road based on the information received from the State and the Highway Department. Based on some of the comments received this evening, he would like to meet with the Highway Supt. and see the road. Board members agreed to table this matter until the next meeting.

#2 Fuel Oil Bid – Supervisor Janik noted that we only received one bid to supply #2 fuel oil to the Town for next year. He questioned what the Town was paying this year and what the State contract price was. Board members agreed to table this matter until the next meeting so that they could check into State contract pricing.

Local Law #8-2006 – Snowmobiles – Supervisor Janik explained that the proposed local law would eliminate all the roads currently listed with the exception of the Town of Greenfield portion of Lake Desolation Road and the portion of Ormsbee Road from the intersection with Ballou Road northerly to the dead end. Coseo, C. clarified that it would not include the County portion of the road, only the Town portion starting at approximately Tinney's Restaurant and heading north. Kinsella, C. asked where the trails were off of Plank Road that were mentioned during the public hearing. Sue Miller felt that during the winter time Lake Desolation Road was a very dangerous road to have a lot of trucks pulling snowmobiles down, especially at night when the road hadn't been plowed. She did not feel that Ormsbee Road had the capacity to park all the vehicles on. She thought that Plank Road would be a better road, especially now since it had been paved and with the turnaround up there. They are planning on establishing the 8 and 8A trail system and connect them with all the other inlets and outlets throughout different towns and counties. Coseo, C. asked what portion of Plank Road she was suggesting. He did not see a parking area on the official trail map. Coseo, C. stated that he would be in favor of the elimination of the roads with the 2 exceptions. He did not see on the map where any other portion of Plank Road should be open. He did not see where it was hitting the trail system. Supervisor Janik stated that originally Plank Road was open all the way up from North Creek Road to the end. When the Code was put in place, the definition was that the roads were uncongested and sparsely populated. He did not

December 14<sup>th</sup>, 2006 continued

believe that any of the roads fit that criteria any longer. The Town does not maintain the shoulders for snowmobile use. There are ditches, culverts, etc. and if the Town says that they are permitting the use of snowmobiles on the shoulder of the road there is an inherent liability on the Town. Supervisor Janik added that he initially wanted to eliminate all of the roads, however has agreed to allow some remote sections where there was access to the trail system. Coseo, C. stated that as far as Plank Road was concerned, this was the same issue as with the ATV's. If you can get your vehicles up to the turnaround on Plank Road then you would not have to drive the vehicles up there illegally. He noted that the Town portion of the road ends just before the bridge and that the Town has no control over the parking area on the other side of the bridge.

RESOLUTION # 192 – Adopt Local Law # 8-2006 – Snowmobiles

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby adopts Local Law # 8 – 2006 Amending Chapter 84 of the Town Code by revising the list of streets or highway designated for snowmobile use.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Abandonment of Woodland Road – Supervisor Janik noted that there were a number of comments during the public hearing both positive and negative. Osborne, C. asked if they could access the nature preserve off of Route 9N. Supervisor Janik felt that it would have to be through private property. He asked Town Counsel if the Town were to abandon the road if Saratoga Plan would still have a right to access their property over this property. Town Counsel stated that it would depend on the method used to abandon the road. There are 3 methods to abandon the road, two of which require the consent of the affected landowners. The third would be a qualified abandonment where in the opinion of the Highway Supt. the road has not been used by a minimum of two cars per day for a period of at least 2 years. Supervisor Janik noted that what brought this matter to light was a request from Saratoga Plan to reestablish the Town control of this portion of the road. During discussions with one of the neighbors, as well as the Highway Supt., it was determined that the Town has not maintained this section of the road in excess of 30 years. He added that the Town effectively abandoned maintaining the road 30 years ago. Town Counsel felt that one of the most applicable sections of the Highway Law states that “if a road has not been traveled or used or opened or worked for 6 years then it can be deemed to have been abandoned”. Coseo, C. stated that he went by the road today and he did not believe there had been any public access in quite some time. There was a trailer parked there and there were large trees in what was the old roadbed. Supervisor Janik felt that for the Town to go in and start maintaining the road again after all these years would be a real problem. This road was not deeded. It was a road by use. Coseo, C. questioned whether the adjoining property owners, including Saratoga Plan, would still have right away over that if the road were to be abandoned. Town Counsel stated that that would be a matter of whatever the private real property rights were and not the public property rights. This would not be a municipal issue. Laura Wells stated that the road has been traveled by members of Nature Conservancy and Saratoga Plan to monitor

December 14<sup>th</sup>, 2006 continued

and manage the preserve. Alan Burton stated that this portion of the road has been used as driveway since the early 1970's and if anyone were to have gone in there it would have blocked the access for the Ashlines to get to their home. Mr. Miller stated that he has lived across the street for over 24 years and has never seen anyone use the road except for the Ashlines. Town Counsel Schachner reviewed Section 205 of the New York State Highway Law. One section states that "every highway that shall not have been opened and worked for a period of 6 years shall cease to be a highway" and "every highway that shall not have been traveled or used as a highway for 6 years shall cease to be a highway". Osborne, C. asked if the Town would still have to vote to abandon the road or was it already abandoned. Town Counsel stated that the process would be for the Highway Supt., with a written consent of the majority of the Town Board, to file an order of abandonment or discontinuance of use.

RESOLUTION # 193 – Abandon Portion of Woodland Road

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby abandons a portion of Woodland Road for a distance of 500 feet from the edge of the pavement where Locust Drive and Woodland Road intersect, proceeding in a southerly direction from Locust Drive, and

FURTHER RESOLVED, that this determination was made due to the fact that the road has not been maintained by the Town for a period of approximately 30 years.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Copperfield Road – Supervisor Janik advised that Town Counsel and the Town Engineer have reviewed and approved all the necessary documents. The Highway Supt. has also approved the road. Everything is in place for the Board to consider accepting this as a Town road.

RESOLUTION # 194 – Accept Copperfield Road as a Town Road

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby accepts Copperfield Road as a Town roadway, and

FURTHER RESOLVED, that the Supervisor be authorized to execute all necessary legal documents.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Proposed Draft Zoning Law – Supervisor Janik reviewed the memorandum received from Stuart Mesinger with comments from the 11/29/06 hearing. Comments were made during that hearing that suggested changes be made to the zoning densities. Mr. Mesinger felt that the proposed ordinance greatly reduces density and implements the vision of the Comprehensive Plan. He recommended that no changes be made to the proposal. As far as providing incentives for sewer extensions, he felt that it was the general intent of the plan not to encourage higher densities in this way and that

December 14<sup>th</sup>, 2006 continued

this recommendation should be rejected. There were a number of comments regarding the proposed truck parking regulation. Mr. Mesinger felt that there were really two separate issues being discussed. The first being home based trucking and logging and the second the overnight parking of trucks used for business by individuals. As far as the overnight parking of trucks, he did not believe that this has been a problem in the Town and that it should not be regulated. The trucking and logging businesses should be treated like any other home occupation. Within one year of enactment of the ordinance, they are required to register with the Town. There was also a comment made that the zoning map should show publicly owned lands and that they should be buffered in some way. Mr. Meisinger stated that the comprehensive plan maps illustrate publicly owned and protected lands. They do not have any particular status in zoning since they are essentially undevelopable, so there is no reason to highlight them on the zoning map. As far as requiring septic systems to be brought up to code Town wide and not just around Lake Desolation, he did not feel that there was a town-wide problem of failing systems and that they should be dealt with on a case by case basis as now occurs. Supervisor Janik noted that under “Additional Standards” the issue regarding the parking of commercial vehicles at their home applied to employees who brought their work vehicle home and not to individuals who owned a logging business. Kinsella, C. agreed with the recommendation regarding the reduction in density and did not feel that there should be a change. He also agreed with the issue of sewer extensions. He added that with the topography and soils, etc. in that area it was difficult to think that a lot of sewer was going to get to the MDR2 range. He was not sure that giving a better density bonus for sewer was going to result in any changes. He noted that the Prestwick Chase PUD was designed for enough capacity to allow for some expansion. Supervisor Janik felt that the only impact would be if a developer wishes to extend, like Polo, and all the people along Denton Road in between would be able to hook in. He felt that they should be treated on a case by case basis. Coseo, C. felt that even at a 2 acre build out there would be a substantial number of homes and if someone were to build that out down there he would prefer to have sewer down there at that time. Kinsella, C. understood the issue regarding parking of commercial vehicles. He felt that the Board needed to have more discussions regarding the other businesses. The challenge that the Board was going to have is debating what was a legal business and what was not. Supervisor Janik agreed and stated that he felt that there needs some sort of review process after a business files with the Town Clerk. He would like to see a verification process where you get back to the applicant and let them know whether or not you agree with them. Coseo, C. stated that the adoption of the law will not take away someone’s rights who is not legally in existence now. Supervisor Janik reviewed Section 105 H regarding the registration of a home occupation. He felt that “lawfully in existence” meant that they were either in existence prior to Zoning or they have already received a Special Use Permit. Pemrick, C. questioned whether it meant the original Zoning or the most recent law. Coseo, C. stated that if someone was not grandfathered at this time, they will not become grandfathered unless they were grandfathered before the initial Zoning Law or they had received a Special Use Permit. They would be in violation right now, under the current law if they were not grandfathered or have a Special Permit. Pemrick, C. felt that for

December 14<sup>th</sup>, 2006 continued

anyone who is preexisting or has a permit, this would provide them protection from further growth in the Town. As the Town grows, the new people must take into consideration the business that already exists. Supervisor Janik agreed and stated that if the Home Occupation is registered and it is agreed that they are legally in existence, then they are good to go. Coseo, C. suggested that it be made permissive and not mandatory. Anyone who wants to come in and register and prove that they are legally in existence would be protected in the future. Supervisor Janik added that if they seek to register and the Town finds that they were not lawfully in existence, they would still have the opportunity to file for a Special Use Permit. Kinsella, C. stated that there was a question regarding the frontage table and required frontages. The proposed frontage requirements would allow for very long narrow lots. The Board also had a question as to what was meant by the slashes in some of the columns. Town Counsel Schachner reminded the Board that they needed to get the County Planning Board opinion and they also needed to complete Part 2 of the Long Form SEQRA.

Part Time Code Enforcement - Supervisor Janik stated that Code Enforcement Officer McKenna had reviewed the applications. There are two applicants who are presently certified. Supervisor Janik spoke briefly to both individuals on the phone. One of the applicants is looking for part-time work only and the other applicant would prefer a full time position. Board will discuss further in Executive Session.

Temporary Clerical Help – Supervisor Janik stated that he had Rosie and Lorraine interview the applicants and gave him their recommendation. He added that he also spoke with the individual and she is more that suitable for the position. The appointment will be no more than 50 hours at the rate of \$10.00 per hour.

RESOLUTION # 195 - Appoint Temporary Clerical Help

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Donna Rutland to a Temporary Part-Time Clerical Position, and

FURTHER RESOLVED that she shall be authorized to work a maximum of 50 hours at the rate of \$10.00 per hour.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Town Hall Repairs – Supervisor Janik stated that the repairs to the Old Town Hall section of the building could be broken down into 4 sections. The two exterior sections would be for masonry and carpentry. For the interior, the door and windows could be replaced first and then the remainder of the room could be gutted and renovated. Kinsella, C. noted that when the front door is replaced it should swing out and have a crash bar so that it will meet the present code. He suggested that when the project is put out to bid we should ask for a bid for the entire project and also ask for a bid on each individual section.

December 14<sup>th</sup>, 2006 continued

RESOLUTION # 196 – Advertise for Bids for Town Hall Repairs

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Supervisor be authorized to prepare bid specifications for repairs to the Town Hall, and

FURTHER RESOLVED, that Opening of Bids shall be set for February 8<sup>th</sup>, 2007 at 7:15 PM.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Draft Zoning – Kinsella, C. stated that he wanted to discuss outdoor furnaces. In the proposed Zoning they are being limited to the LDR Zone. He was not sure that someone in MDR2 who has 10 acres should necessarily be excluded. Also, if a cluster development were constructed in an LDR zone how would they be handled. Supervisor Janik agreed that perhaps an acreage requirement was more important than limiting them in specific zones. Coseo, C. agreed. Kinsella, C. suggested that a 5 acre minimum be required and that placement of the furnace would have to meet the minimum side yard setbacks.

Bob Hyndman, Denton Road – Mr. Hyndman asked if someone were to have a wood furnace and then came to the Town and wanted to apply for a minor subdivision, would they be able to subdivide their property if it then fell below the 5 acre minimum. He suggested that instead of setting a lot size perhaps the Town should require a variance.

Walter Chandler, Sand Hill Road – Mr. Chandler asked what was decided on the parking of commercial vehicles. Supervisor Janik explained that the parking of commercial vehicles was an additional standard and the recommendation was for that section to be eliminated and the Town would not have any regulations regarding that issue. Kinsella, C. noted that Mr. Chandler's business would fall under the category of Home Occupation 2. Coseo, C. stated that his concern should be whether or not his business is allowed under the current zoning law because the new law would not be taking away that right if he had it to begin with. Mr. Chandler was not sure if he was. He has only been at this home for a few years, however his family has been here for years. Coseo, C. stated that under the new law, Mr. Chandler would qualify to come in and apply for a Home Occupation Permit. Mr. Chandler asked how often he would have to apply for a permit. Supervisor Janik stated that he would apply once and at that time the Planning Board could either grant the permit for 1 year if they felt it could be controversial or they could grant a permanent permit. Mr. Chandler did not like the idea that a new neighbor could come along and force him from his home. Coseo, C. noted that they could do that right now. Osborne, C. stated that right now if Mr. Chandler was in a residential zone he would not be able to legally operate his business. If he applies for and gets a special use permit, when new neighbors move in and all of a sudden they do not like the idea of his trucks starting up at 5 AM, there would be nothing that they could do. Coseo, C. stated that actually the new law recognizes that the Town is going to allow people to be able to do these type of occupations at their residence. The proposal is to expand the size of the lots, however people will be allowed to do more on their property.

December 14<sup>th</sup>, 2006 continued

Pemrick, C. hoped that this would be seen as a compromise and as a way for the Town to recognize the existence of the home occupations. He added that the Town was going to grow and this would be a way to establish his permanency. By doing that, it becomes the responsibility of somebody new coming in to react to your existence as opposed to him reacting to somebody who all of a sudden comes along and doesn't like your business. Mr. Chandler stated that he would like to see the Board protect him a little better. Pemrick, C. stated that the Town is not going to be able to make everyone happy. They are trying to recognize the value of the people who have been here a long time. Mr. Chandler asked what would happen if he were to go before the Board and they turn him down, what would he do then? Supervisor Janik stated that he understood his concern. It was not the intent of the Town to put people out of business.

Junkyard License Renewal – Supervisor Janik stated that Casey Cornell – Cornell's Used Auto Parts submitted his application for his 2007 Junkyard License renewal. Code Enforcement Officer McKenna made an inspection of the site and found everything to be in compliance.

RESOLUTION # 197 - Approve Junkyard License Renewal

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the following Junkyard License Renewal for the year 2007:

#1-2007 - Casey Cornell – Cornell's Used Auto parts, LLC

VOTE: Ayes: Janik, Osborne, Pemrick, Kinsella

Noes: None

Abstained: Coseo

Brigham Road Park – Town Highway Superintendent submitted a breakdown of the expenses incurred by his department during the construction of the roadway off from Brigham Road. Coseo, C. believed that they probably spent the hours indicated working on the site, however he questioned what the guys would have been doing if they work not working there. Supervisor Janik stated that they would have been out doing roadwork, cutting brush, etc. Kinsella, C. stated that what they are looking to do is reimburse the Highway Fund out of the UDAG Fund. Coseo, C. asked if there was a necessity to do that. He also questioned the \$12,000. hours of equipment expense as to whether it was engine hours or the time that they were sitting up there. Supervisor Janik stated that the calculations were based on FEMA guidelines. The rates used were the same that we would use if we were looking for reimbursement from FEMA. Pemrick, C. stated that he did not have a problem with transferring the money into the Highway Fund.

RESOLUTION # 198 – Authorize Transfer of Funds

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to transfer \$23,621.44 from the UDAG Fund into the Highway Fund for reimbursement of expenses during construction at the Brigham Road Town Park.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

December 14<sup>th</sup>, 2006 continued

Brigham Road Trail System – Supervisor Janik stated that the Town Engineer prepared a map of the park showing the existing trails and proposed trails. With very little work, hiking and cross country ski trails throughout the park can be created. The Town Engineer is suggesting that a 2nd loop be developed that would join the existing trail, creating a figure 8. Supervisor Janik added that there are currently two means of entry onto the park property that allow for access by ATV's. He will ask the Parks Department to put up barriers blocking that access as soon as possible. Kinsella, C. suggested that signs be put up stating that "No Motorized Vehicles Are Allowed".

Insurance Coverage – Supervisor Janik stated that when he noticed that Cool Insurance did not consider replacement cost as part of their proposal and also the deductible for Public Officials Liability Insurance did not match the current policy, he asked them about obtaining that coverage. He first indicated that the company did not provide that and that the Town probably did not need that. Then he came back and said that he could provide replacement cost coverage at no additional cost to the Town. Coseo, C. asked what company Cool Insurance was using. Supervisor Janik stated that it was Argonaut, out of Texas. Coseo, C. stated that he has had some dealings with Selective but had no idea about Argonaut. He wondered what their claims procedures were. Supervisor Janik stated that with all the changes there is a substantial difference in premiums, several thousand dollars. He added that the question that needed to be asked was if the level of service that we have received in the past and the expectation of continued service that we will receive from Adirondack Trust Insurance was worth the difference in premium costs. Pemrick, C. felt that for him it was. He knew who the agent was and the history that they have with the Town. Pemrick, C. added that the Town would be saving a substantial amount of money from last year. He would prefer to stay with Adirondack Trust Insurance. Kinsella, C. noted that the Board did not know what the premium difference would be when the values on the equipment were adjusted. He asked if Cool Insurance gave any bounds or amounts. Supervisor Janik stated that what Cool Insurance stated to him was that they would provide the same coverage that we currently had. Osborne, C. stated that Cool Insurance made the change once it was pointed out to him, however he did not bid on it the first time. She was not comfortable with the way he was handling just the bid alone. Knowing that the Town has worked with Adirondack Trust Insurance for many years and knowing that the reason the Town has raised their coverage in the past few years due to what happened in the Town of Wilton and a couple of other things, she was more comfortable with staying with them. Kinsella, C. stated that he was also fine with staying with Adirondack Trust. Coseo, C. asked if they could go back to the company and see if they could get a little better rate. Dave Meager appreciated all the comments made by the Board and added that they would always do their best for the Town. He added that he would guarantee that whatever adjustments that are made to the highway equipment values will not impact the premium. Mr. Meager stated that he will come back and meet with the Board in January and renew the coverages. He will meet with the Highway Superintendent to go over the equipment values.

Emergency Generator – Supervisor Janik stated that he spoke with NYSDOT regarding the possibility of hooking up the traffic light to the Town Hall

December 14<sup>th</sup>, 2006 continued

generator in the case of a power failure. They will not allow it to be hooked up to a main generator. They want a separate stand alone generator. Supervisor Janik felt that it was an important safety issue for the Town and the Board should do whatever they can to keep the red light operational during power outages. He added that one of the problems with the Town handling this was staffing. Most of the generators have a limited running time and has to be fueled all the time. During long power outages, the firehouse is manned. The fire company has suggested that if the Town were to purchase the generator and provide the fuel, they will provide the staff to maintain it. Supervisor Janik stated that the Town would have to apply to NYSDOT for a generator hookup to be installed

RESOLUTION # 199 - Authorize Supervisor to Purchase  
Emergency Generator

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the Supervisor be authorized to spend up to \$2,000. for the purpose of purchasing an emergency generator to operate the traffic light in the event of a power outage.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Upgrade Status Part-Time Parks Employee – Supervisor Janik stated that the employee currently works anywhere from 20 to 40 hours per week and has sent a request to the Town Board to be upgraded to a full time employee with health insurance. He stated that there is a need in the Highway Department for cleaning. Right now some of the Highway employees are cleaning the facility. Supervisor Janik suggested that she be assigned to the Highway Department for 10 hours per week and her remaining hours would be spent between the Town Hall, Community Center and Parks. Coseo, C. asked what the guys would be doing that were cleaning the garage presently. Supervisor Janik stated that they will be able to go out and do road work. Supervisor Janik stated that the salary for the 10 hours will come out of the Highway budget. There will be some additional cost to the Town for insurance coverage. Coseo, C. asked what was going to happen with the Dog Control job. Supervisor Janik explained that if she had to go out on a dog call, she logs out and is not on the Town clock for that time.

RESOLUTION # 200 – Upgrade Parks Employee Status

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby upgrades the status of the Channon Emigh to full time with benefits, effective 1/1/2007.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

UDAG Loan Committee Appointment - Supervisor Janik advised that we have received one applicant who appears to be qualified. He suggested that the application be forwarded to the Committee for their review and recommendation.

December 14<sup>th</sup>, 2006 continued

RESOLUTION # 201 – Authorize Petty Cash for Tax Collector

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby approves a petty cash fund in the amount of \$200. for the Town Tax Collector.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Highway Equipment – Crack Sealer - Supervisor Janik advised that the Highway Superintendent would like to advertise for bids for a Crack Sealer to be purchased in 2007 at an estimated cost of approximately \$30,000. He would like to get one similar to the one that they borrowed from the Town of Malta this past year.

RESOLUTION # 202 – Schedule Opening of Bids – Crack Sealer

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the Town Clerk be directed to advertise for bids for a 10 Gallon Diesel Fired Melter with Two Sealant Delivery Systems as per Bid Specifications # 1-2007, and

FURTHER RESOLVED, that said bid opening will be held on Thursday, January 11<sup>th</sup>, 2007 at 7:20 PM.

RESOLUTION # 203 – Declare Vehicle as Surplus & Advertise for Bid Opening

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby declares the 2001 Dodge Pickup as surplus, and

FURTHER RESOLVED, that the Town Clerk be directed to advertise for sealed bids to be opened Thursday, February 8<sup>th</sup>, 2007 at 7:20 PM.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 204 – Schedule Board Meetings

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby schedules the End of the Year meeting for Thursday, December 28<sup>th</sup>, 2006 at 7:00 PM, and

FURTHER RESOLVED, That the 2007 Organizational Meeting be scheduled for Tuesday, January 2<sup>nd</sup>, 2007 at 7:30 PM.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Speed Limit Reduction – Young Road – Supervisor Janik stated that the Town had received numerous petitions signed by residents of Young Road. There have been several serious car accidents, especially in the sharp turn at the intersection of Boyhaven Road.

December 14<sup>th</sup>, 2006 continued

**RESOLUTION # 205 – Speed Reduction Request**

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby forwards a request to the Saratoga County Highway Superintendent and the New York State Department of Transportation to reduce the speed limit for the entire length of Young Road.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

**RESOLUTION # 206 – Transfer of Funds**

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

\$3,599.38	From DA9961.9	to	DA5112.2
1,718.13	From DA5110.1	to	DA5112.2
9,077.59	From DA5142.4	to	DA5130.4
29.08	From A3510.2	to	A3510.4
439.80	From A1410.2	to	A1410.4
1,798.68	From A9060.8	to	A5182.4
4,997.29	From A9060.8	to	A3310.4
63.37	From A8010.2	to	A8010.4
2,095.52	From A1990.4	to	A8160.4
1,490.44	From A4540.4	to	A7140.4
2,829.35	From A9060.8	to	A5132.4
980.93	From A1440.4	to	A1620.4
351.52	From A1355.2	to	A1355.4
714.32	From A1990.4	to	A6772.4
455.20	From A1220.2	to	A1220.1

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

**RESOLUTION # 207 - Community Center Use Request**

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the following organization be authorized to use the Community Center for their regular meeting:

Daisy Girl Scout Troop – Mary Yuhasz, Leader – Every other Wednesday from 6:30 to 7:30 PM from December to June.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

On motion of Osborne, C. and seconded Coseo, C., the Board adjourned to Executive Session at 9:45 PM to discuss personnel matters. Town Clerk was not present for session and no minutes were filed. On motion of Osborne, C. and seconded by Pemrick, C., the Board returned to regular session at 10:05 PM.

December 14<sup>th</sup>, 2006 continued

RESOLUTION # 208 – Appoint Part-Time Code Enforcement Officer

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby appoints Robert J. Gizzi, Sr. as Part-Time Code Enforcement at the rate of \$20.00 per hour for 20 hours per week.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 209 – Foreclosure Proceedings – Petruzzo Loan

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That in the event the UDAG Loan for Petruzzo has not been paid on or before January 15<sup>th</sup>, 2007, the Town shall commence foreclosure proceedings and any other appropriate collections proceedings to obtain payment of the loan.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 210 – Extension of Note – Putnam Brook

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the UDAG Loan to Putnam Brook be extended to March 1<sup>st</sup>, 2007 provided they agree to pay 8% interest, and

FURTHER RESOLVED, that at that time the loan will become due or an agreement shall be reached to extend the existing loan or a new loan created.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Monthly reports were received by the Dog Control Officer, Town Justices, Highway Superintendent, Building Inspector, Revolving Loan Fund, Town Clerk and Supervisor.

RESOLUTION # 211 – Highway Bills

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills # 237 to #258 in the amount of \$15,422.82 be paid, subject to audit.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 212 – General Bills

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That General Bills # 771 to # 842 in the amount of \$39,750.86 be paid, subject to audit.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

December 14<sup>th</sup>, 2006 continued

RESOLUTION # 213 – UDAG Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bills # 15 to # 18 in the amount of \$8,346.71 be paid, subject to audit.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

On motion of Osborne, C. and seconded by Coseo, C., the meeting was adjourned at 10:10 PM

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Town Clerk